

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-345-C - ORDER NO. 1999-578  
AUGUST 17, 1999

IN RE: Notification of BellSouth Telecommunications, ) ORDER ✓ MR  
Inc. of its Intent to Elect to have Rates, Terms, ) DISMISSING  
and Conditions for its Services Regulated under ) PETITIONS AND  
the Alternative Form of Regulation. ) COMPLAINTS

This matter comes before the Public Service Commission of South Carolina (the Commission) on three Petitions filed subsequent to the BellSouth Telecommunications, Inc. (BellSouth) July 14, 1999 election of alternative regulation under S.C. Code Ann. Section 58-9-576 (Supp. 1998). The three filings are in the nature of "Petitions to Intervene" in a proceeding, and Complaints. Because of the reasoning stated below, all three Petitions and Complaints are hereby dismissed.

First, all three Petitions assume that a proceeding is necessary to review BellSouth's election of alternative regulation under S.C. Code Ann. Section 58-9-576 (Supp. 1998). This is not the case. The statutory language is very clear, when it states that "Any LEC may elect to have rates, terms, and conditions determined pursuant to the plan described in subsection (B),...." Section 58-9-576 (A) Also, "On the date a LEC notifies the commission of its intent to elect the plan described in this section..." Section 58-9-576 (B)(2). Under this statutory scheme, if BellSouth satisfies the statutory criteria, it simply elects the plan of alternative regulation. No proceeding is provided for by the

statute. Here, there is no question that BellSouth satisfies the interconnection agreement criterion provided by the statute.

It should be noted that BellSouth filed its notice of election under the statute on July 14, 1999, with its alternative plan to become effective in thirty days, i.e. on August 13, 1999. MCI Telecommunications Corporation and WorldCom Technologies, Inc. (collectively MCI WorldCom) filed a Petition dated July 29, 1999, and received shortly thereafter. AT&T Communications of the Southern States, Inc. (AT&T) filed a Petition to Intervene dated August 4, 1999 and received on or about August 9, 1999. The South Carolina Public Communications Association (SCPCA) filed a Petition to Intervene and Complaint dated August 9, 1999 and received August 9, 1999. Under BellSouth's July 14, 1999 letter of election, the Company's alternative plan of regulation was not to go into effect until a period of thirty (30) days had elapsed, i.e. the plan would not become effective until August 13, 1999. Therefore, the Petitions and Complaints filed by the two companies and the one organization were filed prior to the BellSouth plan having gone into effect. Thus, we consider the Petitions and Complaints to be premature, and therefore not justiciable at this time. The Petitions and Complaints are simply not ripe for review from a timing standpoint, especially since no guidelines have been filed by BellSouth pursuant to S.C. Code Ann. Section 58-9-576(B)(5).

Among other issues, MCI WorldCom addresses in its Petition, the review of BellSouth's earnings for the years 1996, 1997, and 1998, and possible prospective rate reductions and other relief as the result of the South Carolina Supreme Court's reversal of

our approval of BellSouth's alternative regulation plan under S.C. Code Ann. Section 58-9-575 (Supp. 1998). We would note that this Commission has established a separate docket to consider those matters. We see no need to take any additional action as the result of the MCI WorldCom Petition, and we therefore dismiss the Petition.

AT&T's Petition to Intervene and Complaint Pursuant to Section 58-9-576(B)(5) also discusses various issues related to BellSouth's earnings. AT&T also points out the complaint procedure contained in the statute, and complains about BellSouth's access charges. Again, the alternative regulation plan was not in effect on the date of the filing of the Petition and Complaint. Therefore, we hold that the complaint on access charges as related to BellSouth's alternative regulation plan is not ripe for review pursuant to the portion of the statute noted by AT&T. Since BellSouth had to merely "elect" alternative regulation under Section 58-9-576, the Petition to Intervene is unavailing, since no proceeding is appropriate. AT&T's Petition and Complaint are dismissed.

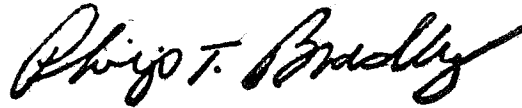
Finally, we consider the Petition and Complaint filed by SCPCA. SCPCA first Petitions to intervene in the "proceeding." Again, since there is no proceeding, but only a statutory election, the Petition is denied. SCPCA's complaint consists of a request to exempt BellSouth's public telephone access service, originating line screening, central office blocking and screening, and other related payphone features from BellSouth's alternative regulation filing. SCPCA contends that the plan's pricing flexibility as applied to payphone line rates and features would be inconsistent with the Commission and FCC cost based rate requirements. Again, the Complaint was filed prior to BellSouth's

alternative regulation plan even going into effect. The Complaint is therefore not ripe for adjudication. This Complaint is therefore dismissed.

Because of the reasoning as stated above, the MCI WorldCom Petition, the AT&T Petition and Complaint, and the SCPCA Petition and Complaint are all dismissed.

This Order shall remain in full force and effect until further Order of the Commission.


BY ORDER OF THE COMMISSION:



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Chairman

ATTEST:



Executive Director

(SEAL)